## insruction no. 3(5)

We, the jury, on the issue joined, having found the defendant guilty of capital murder of Linda Franklin in the commission of or attempted commission of an act of terrorism having found unanimously and beyond a reasonable doubt after consideration of his history and background that there is a probability that he would commit criminal acts of violence that would constitute a continuing serious threat to society

and

having found unanimously and beyond a reasonable doubt that his conduct in committing the offense was outrageously or wantonly vile, horrible, or inhuman in that it involved depravity of mind;

and

having considered all the evidence in aggravation and mitigation of the offense, fix his punishment at:

imprisonment for life

or

imprisonment for life and a fine of \$ 100,000.00).

[Circle the punishment selected by the jury.]

FOREMAN

GRANTED JMR